

**EXHIBIT 6**

**ENTIRE EXHIBIT**

**SUBMITTED UNDER SEAL**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

Case No.

UBER TECHNOLOGIES, INC.; 3:17-cv-00939-WHA

OTTOMOTTO LLC; OTTO

TRUCKING, INC.,

Defendants.

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HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF JOHN KRAFCIK

REDWOOD SHORES, CALIFORNIA

WEDNESDAY AUGUST 2, 2017

BY: ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR ~

CSR LICENSE NO. 9830

JOB NO. 2661281

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REDWOOD SHORES, CALIFORNIA

WEDNESDAY, AUGUST 2, 2017

9:03 A.M.

THE VIDEOGRAPHER: Good morning. We are on  
the record at 9:03 a.m. on August the 2nd, 2017. This  
is the video-recorded deposition of John Krafcik.

My name is Ken Reeser, here with our court  
reporter, Andrea Ignacio. We are here from Veritext  
Legal Solutions at the request of counsel for  
defendant.

This deposition is being held at 555 Twin  
Dolphin Drive, 5th Floor, Redwood Shores, California.

The caption of this case is Waymo LLC versus  
Uber Technologies, Inc., et al.

Case No. 3:17-CV-00939 WHA.

Will counsel present please state their names  
and who they represent.

MR. GONZALEZ: Arturo Gonzalez for Morrison &  
Foerster, on behalf of Uber.

MR. WILSON: Bryan Wilson, also from  
Morrison & Foerster, for Uber.

MR. SCHUMAN: Brett Schuman from Goodwin

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1 Procter, on behalf of defendant Otto Trucking, LLC. 09:04  
2 MS. TANG: Fiona Tang from Boies Schiller 09:04  
3 Flexner, on behalf of Uber and Ottomoto. 09:04  
4 MR. NARDINELLI: Jeff Nardinelli from Quinn 09:04  
5 Emanuel, for Waymo. 09:05  
6 MR. TRESSLER: David Tressler with Waymo. 09:05  
7 MR. VERHOEVEN: Charles Verhoeven from Quinn 09:05  
8 Emanuel, representing Waymo. 09:05  
9 THE VIDEOGRAPHER: Thank you. 09:05  
10 If there are no stipulations, the reporter 09:05  
11 may administer the affirmation. 09:05  
12  
13 JOHN KRAFCIK,  
14 having been sworn as a witness  
15 by the Certified Shorthand Reporter,  
16 testified as follows:  
17  
18 EXAMINATION  
19 BY MR. GONZALEZ:  
20 Q Sir, would you state your full name for the 09:05  
21 record, please. 09:05  
22 A It's John Francis Krafcik. 09:05  
23 Q Are you the CEO for Waymo? 09:05  
24 A I am. 09:05  
25 Q How long have you been CEO? 09:05

1 MR. GONZALEZ: I don't know the answer to 09:46  
2 that. I'll just assume -- I'll assume that it's my 09:46  
3 highlighting that I added at some point. 09:46  
4 MR. VERHOEVEN: Okay. So, just for the 09:46  
5 record, there's highlighting on the date and -- 09:46  
6 MR. GONZALEZ: Because my copy is not 09:46  
7 highlighted, so I'm assuming that I added that. 09:46  
8 MR. VERHOEVEN: Well, why don't you give the 09:46  
9 witness the one that -- 09:46  
10 MR. GONZALEZ: Sure. That's fine. 09:46  
11 MR. VERHOEVEN: That's better. 09:46  
12 MR. GONZALEZ: Okay. Fair enough. No, no, 09:46  
13 my copy isn't. In any event -- 09:46  
14 MR. VERHOEVEN: So, for the record, the 09:46  
15 witness is now looking at Exhibit -- 09:46  
16 MR. GONZALEZ: 1085. 09:46  
17 MR. VERHOEVEN: -- 1085, and it's not 09:46  
18 highlighted. 09:46  
19 MR. GONZALEZ: Q. So you notice on the upper 09:46  
20 right-hand side, the date of this is June 17th, 2015? 09:46  
21 A Yep. 09:46  
22 Q And that's just a few months before you 09:46  
23 became CEO; correct? 09:46  
24 A Yeah. I became CEO three months after that, 09:47  
25 September 28th. 09:47

1 Q And then, if you look right -- right above 09:47  
2 the dark box, you see that there's [REDACTED] [REDACTED]  
3 [REDACTED] Do you see that? 09:47  
4 A I see that. 09:47  
5 Q Is this the first time you're seeing this 09:47  
6 document? 09:47  
7 A Possibly. 09:47  
8 Q Did anybody ever explain to you how they got 09:47  
9 to [REDACTED] 09:47  
10 A Possibly, but I don't recall specifically. 09:47  
11 Q What is your understanding of who the person 09:47  
12 was, or who the people were, who were [REDACTED] [REDACTED]  
13 [REDACTED] before you arrived? 09:47  
14 A I don't know specifically. 09:47  
15 Q Generally? 09:47  
16 A I would guess corp development, corporate 09:47  
17 development. 09:47  
18 Q Who in corporate development? 09:47  
19 A I don't know. 09:47  
20 Q And why do you assume corporate development? 09:47  
21 A It's a likely place [REDACTED] [REDACTED]  
22 [REDACTED], but I don't know. 09:48  
23 Q Okay. Once you became CEO, at some point 09:48  
24 after that [REDACTED]; right? 09:48  
25 A Yes. [REDACTED] 09:48

1 [REDACTED] 09:48

2 Q And when you say "we," who is "we"? 09:48

3 A Well, there are many parties to those 09:48

4 discussions, including the -- the board members that 09:48

5 we spoke about, Chauffeur plan members, Chauffeur 09:48

6 bonus plan members. 09:48

7 Q Did you go [REDACTED] 09:48

8 [REDACTED] 09:48

9 A They were certainly consulted, yeah. 09:48

10 Q And -- and are they the same ones that you 09:48

11 mentioned before? 09:48

12 A Yeah. 09:48

13 Q Tell me, for the record, so there's no 09:48

14 confusion. 09:48

15 A [REDACTED] were 09:48

16 probably the three most engaged. 09:49

17 Q How many board members did you have at that 09:49

18 time? 09:49

19 A Again, that construct I'm using was after we 09:49

20 became Waymo. 09:49

21 Q Correct. That's fair. 09:49

22 And the Waymo board that you're referring to 09:49

23 is how many people? 09:49

24 [REDACTED] 09:49

25 Q And who were they? 09:49

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1           A   This is already covered, but [REDACTED] 09:49

2           [REDACTED] 09:49

3           Q   And you would have been intensely involved in 09:49

4           these discussions; fair? 09:49

5           A   Getting to consensus on [REDACTED], yes. 09:49

6           Q   Who on your side, meaning the Waymo side, was 09:49

7           driving the train on these discussions? 09:49

8           A   Which discussions specifically? 09:49

9           [REDACTED] I assume -- I assume 09:49

10          that there was a person who was primarily responsible 09:49

11          for [REDACTED] 09:50

12          [REDACTED] 09:50

13          A   The process involved each side, meaning 09:50

14          Chauffeur plan bonus members [REDACTED] 09:50

15          [REDACTED], and Alphabet [REDACTED] 09:50

16          [REDACTED], and then seeking some consensus. 09:50

17          Q   Fair enough. 09:50

18          Who on the Alphabet side was in charge of 09:50

19          [REDACTED] 09:50

20          A   For the second of those two parties, do you 09:50

21          mean, or do you mean the Chauffeur plan bonus people? 09:50

22          Q   No. I mean your side. 09:50

23          Was that you, or was that somebody else? 09:50

24          A   My role was to essentially bring the parties 09:50

25          together to [REDACTED] 09:50

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1 Q You were more like a mediator? 09:50

2 A You could sort of leave it that way. 09:50

3 Q Okay. So who was the advocate on the Waymo 09:51

4 side who was coming forth with [REDACTED]? 09:51

5 A There was the Chauffeur bonus plan team. 09:51

6 Chris Urmson had a major role. 09:51

7 Q Okay. Maybe we're not communicating. 09:51

8 Chris Urmson, was he on the side of the bonus 09:51

9 employees? 09:51

10 A Yes. 09:51

11 Q Yeah, that's -- that's what I assumed. 09:51

12 A Okay. 09:51

13 Q So who was on the other side? Who -- who was 09:51

14 on the company side? 09:51

15 A Oh, that's a good point. I -- I don't know 09:51

16 specifically, again, who that was. This goes back to 09:51

17 it was likely the corporate development function. 09:51

18 Q And is there somebody in the corporate 09:51

19 development group who's in charge of these sorts of 09:51

20 things? 09:51

21 A I don't know specifically who that was for 09:51

22 this. 09:51

23 Q So, if you had to go back and ask, "Hey, who 09:51

24 was it that was in charge of [REDACTED] [REDACTED]

[REDACTED] [REDACTED] who would you ask? 09:52

1 A David Drummond. 09:52

2 Q Do you recall what [REDACTED] [REDACTED]

3 [REDACTED] during these negotiations or discussions 09:52

4 in 2015 after you became CEO? 09:52

5 A I recall [REDACTED] [REDACTED]

6 [REDACTED] 09:52

7 Q And [REDACTED]? 09:52

8 A On the Alphabet side, something in the [REDACTED] [REDACTED]

9 [REDACTED] 09:52

10 Q And was that [REDACTED] arrived 09:52

11 at after discussions with the board members? 09:52

12 A I don't know. 09:52

13 Q Did you think at the time that [REDACTED] [REDACTED]

14 [REDACTED]? 09:52

15 A I thought it was reasonable, yeah. 09:52

16 Q Why? 09:52

17 [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED] 09:53

20 Q And, when you say [REDACTED] [REDACTED]

21 [REDACTED] for people that are not as knowledgeable as 09:53

22 you are about the business world, what do you mean by 09:53

23 that? 09:53

24 A Yeah, this goes back a couple of years. 09:53

25 Q I -- I appreciate your recollection won't be 09:53

1 MR. SCHUMAN: I'm actually handing you what's 14:46  
2 been marked as Exhibit 1265. 14:46  
3 (Document marked Exhibit 1265 14:46  
4 for identification.) 14:46  
5 MR. SCHUMAN: Q. Do you recognize 14:46  
6 Exhibit 1265? 14:46  
7 MR. VERHOEVEN: Object to form. 14:46  
8 THE WITNESS: So I see that this is an e-mail 14:46  
9 from -- from Chris Urmson to me on October 14th that 14:46  
10 has [REDACTED] [REDACTED]  
11 [REDACTED] 14:46  
12 MR. SCHUMAN: And -- and I think you 14:46  
13 testified this morning that the employee -- the -- the 14:46  
14 bonus plan participants [REDACTED] [REDACTED]  
15 [REDACTED]. 14:47  
16 Q Is this the document [REDACTED] 14:47  
17 A I believe so. Yeah, I believe so. I don't 14:47  
18 know for sure. I don't know if this is the final one, 14:47  
19 but yeah. 14:47  
20 Q So [REDACTED] is a code name in this document 14:47  
21 for Chauffeur; correct? 14:47  
22 A Yeah, it appears to be so. 14:47  
23 Q Okay. 14:47  
24 A I don't recall. 14:47  
25 Q And if you go to the very last page of the 14:47

1 [REDACTED] the very last bullet: 14:47  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED] 14:47  
6 So I think -- I mean, this morning you said 14:47  
7 [REDACTED] 14:47  
8 Is it -- is this [REDACTED]  
9 [REDACTED]  
10 [REDACTED] 14:47  
11 A You know, I don't know if there was anything 14:47  
12 after this, but this is certainly in that ballpark. 14:47  
13 Q Okay. And then Urmson sends it to you in 14:48  
14 October of 2015. 14:48  
15 Do you recall any further discussions around 14:48  
16 [REDACTED] 14:48  
17 A In general, I mean, there were a lot of 14:48  
18 discussions to -- [REDACTED]  
19 [REDACTED] 14:48  
20 Q Was there a similar document prepared to 14:48  
21 support the -- [REDACTED]? 14:48  
22 A It's possible. I don't have a specific 14:48  
23 recollection of it, but it's possible. 14:48  
24 Q If such a [REDACTED] had been 14:48  
25 prepared, would that document likely have been sent to 14:48

1 you in the same way that [REDACTED] [REDACTED]  
[REDACTED] [REDACTED]? 14:48  
3 MR. VERHOEVEN: Object to form. 14:48  
4 THE WITNESS: Yeah, I mean, I don't know. 14:48  
5 Maybe. I'm not sure. It's possible. 14:48  
6 MR. SCHUMAN: Q. This is shortly after -- 14:48  
7 very shortly after you joined Chauffeur? 14:49  
8 A Two weeks in. 14:49  
9 Q Right. 14:49  
10 Do you recall during last quarter of 2015, 14:49  
11 your first quarter there, or early January 2016, any 14:49  
12 discussion about [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 14:49  
14 A I do, yeah. 14:49  
15 Q And tell me what you recall about -- about 14:49  
16 that topic. 14:49  
17 A This -- this is, like, a -- a little speed 14:49  
18 bump, where [REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 14:50  
23 Q Do you recall ever discussing with Anthony 14:50  
24 Levandowski, prior to the time he left Google, the 14:50  
25 possibility of [REDACTED] 14:50

CERTIFICATE OF REPORTER

I, ANDREA M. IGNACIO, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth, and nothing but the truth in the within-entitled cause;

That said deposition was taken in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of the said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

That before completion of the deposition, review of the transcript [x] was [ ] was not requested. If requested, any changes made by the deponent (and provided to the reporter) during the period allowed are appended hereto.

I further certify that I am not of counsel or attorney for either or any of the parties to the said deposition, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

Dated: 8/3/2017

A handwritten signature in blue ink, appearing to read 'Andrea M. Ignacio', is written over a horizontal line.

ANDREA M. IGNACIO,

RPR, CRR, CCRR, CLR, CSR No. 9830